

**REMARKS**

Applicants thank the Examiner for the indication of allowable subject matter in Claims 14-19. Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the following remarks, which are responsive to the first Official Action mailed on June 24, 2003. In the Official Action, the Examiner rejected Claims 1-13. Applicant has amended independent Claims 1 and 9 and added new Claims 20-27. Claims 20-27 define additional aspects of the invention and are fully supported by the specification. Claims 1-27 are pending in the present application and the independent claims are Claims 1 and 9, as amended, and Claims 14, 21, and 25.

**I. Claim Rejections Under 35 U.S.C. § 102**

The Examiner rejected independent Claims 1 and 9 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,424,828 to Collins (the “Collins Patent”). The Applicants respectfully offer remarks to traverse these pending rejections.

**A. The Collins Patent Fails to Anticipate Amended Claim 1**

The Collins Patent teaches a method and system for sending and receiving Internet email using a cellular telephone. Specifically, SMS messages and Internet email messages are communicated between the SMS of a mobile service provider and an Internet email gateway. *See col. 4, ll. 30-58.* For example, when the mobile service provider’s SMS receives a message, it first determines whether the recipient’s address is a standard SMS address or an Internet email address. *See col. 5, ll. 30-33.* By determining the type of recipient for the message, another cellular telephone or an Internet station, the SMS determines whether the SMS message should be transmitted to a message center for another cellular telephone or to an Internet email gateway. Significantly, the SMS only has two choices for message types, an SMS message or an Internet email message. *See col. 5, ll. 30-33; Figs. 1A and 1B.*

If the message is an Internet email message, it is transmitted to the Internet email gateway. *See col. 5, ll. 40-42.* The Internet email gateway converts the message by replacing the sender and recipient SMS addresses with Internet email addresses. *See col. 5, ll. 63-67.* After this conversion step, the Internet email gateway transmits the Internet email message to the

Internet station via the Internet. *See* col. 5, ll. 9-11. The Collins Patent focuses on the format of the message address, as opposed to the content of the message.

In contrast to the simple two format conversions described in the Collins Patent, amended Claim 1 describes a conversion process involving at least three potential data formats. The Collins Patent does not describe a conversion process involving three potential data formats. The Collins Patent simply describes conversion between an SMS message transmitted using GSM technology and an Internet email message. *See* col. 4, ll. 27-28. Although the Collins disclosure states that other telecommunications systems with a similar messaging system could be used in place of the GSM technology to communicate with an Internet email system, *see* col. 13, ll. 30-36, such a system would still only address conversion between two data formats. The teachings of Collins do not address the more complex scenario of converting among three potential data formats.

As described in the specification of the present application, Applicants are aware of other prior systems and methods that convert data formats. *See* p. 2, l. 20 - p. 4, l. 5. However, Applicants respectfully submit that the prior art is limited in that it only teaches conversion between two specific formats. *See* p. 4, ll. 10-11. One limitation of the prior art is a failure to accommodate simultaneous conversion among three of the more common radio frequency technologies, CDMA, TDMA, and GSM, as well as other media formats, such as facsimile or personal pager. In contrast, amended Claim 1 recites an arbitrator that determines a selected data format from at least 3 possible formats. The arbitrator's ability to make this determination in amended Claim 1 supports communications among devices using more than two specific data formats.

B. The Collins Patent Fails to Anticipate Amended Claim 9

As described above, the Collins Patent describes a communication system between a GSM telecommunications system and an Internet email system. The teachings of Collins are limited to a conversion process between two formats, an SMS message format and an Internet email format. *See* col. 5, ll. 30-33; Figs. 1A and 1B. The Collins Patent also only teaches communications between a single SMS and a single Internet email gateway. *See* col. 4, ll. 56-58.

In contrast, amended Claim 9 recites communication among three data communication devices. The third data communication device receives communications from devices using different wireless access methods. Collins fails to describe a communication system involving different wireless access methods. The communications systems described in Collins are limited to a single wireless system and an Internet email system. The ability to communicate among three data communication devices using different data formats distinguishes amended Claim 9 from the disclosure in Collins.

Furthermore, the Collins Patent does not teach an arbitrator operable to determine a data format from at least three potential data formats. Collins merely describes a conversion process involving two communications formats similar to the prior art teachings described in the specification. *See p. 2, l. 20 - p. 4, l. 5.* Contrary to the teachings of the Collins Patent, amended Claim 9 defines an arbitrator that determines a data format from at least three potential data formats. For example, the arbitrator of Claim 9 can support simultaneous communications using CDMA, TDMA, GSM, facsimile, and personal pager data formats. Applicants submit that the Collins Patent fails to anticipate amended Claim 9.

## **II. Dependent Claim Rejections**

If an independent claim is allowable, then the claims dependent thereon should also be allowable because they add limitations to the independent claim. *In re Fine*, 5 U.S.P.Q.2d 1596, 1599 (Fed. Cir. 1988). In view of the foregoing remarks with respect to independent Claims 1 and 9, as amended, the Applicants respectfully submit that each dependent claim is patentable over the Collins Patent. Thus, the Applicants request that the Examiner withdraw the rejection of dependent Claims 2-8 and 10-13.

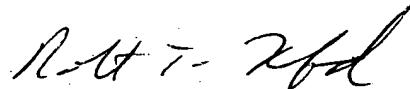
## **CONCLUSION**

The foregoing is submitted as a full and complete response to the Official Action mailed on June 24, 2003. The Applicants and the undersigned thank Examiner Ferguson for considering these remarks. The Applicants have submitted remarks to traverse the rejections of Claims 1-13. The Applicants respectfully submit that the present application is in condition for allowance.

Serial No.: 09/699,312

An early notice of allowance is hereby courteously solicited. If any other issues remaining in this application may be resolved by a telephone conference, the Examiner is respectfully requested to contact the undersigned at (404) 572-3509.

Respectfully submitted,



Robert T. Neufeld  
Reg. No. 48,394

King & Spalding LLP  
45<sup>th</sup> Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1763  
404.572.4600  
K&S Docket: 06931.105011